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SUMMARY RECORD OF THE 2240th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 27 October 2004, at 3 p.m.

Chairperson: Mr. AMOR

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Fifth periodic report of Poland

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of Poland (CCPR/C/POL/2004/5; CCPR/C/82/L/POL)

1. At the invitation of the Chairperson, the members of the delegation of Poland took places at the Committee table.

2. Mr. KRÓLAK (Poland), introducing Poland's fifth periodic report (CCPR/C/POL/2004/5), said that the period covered in the report, from January 1995 to October 2003, and the period since its submission had been characterized by major social and legislative reforms, undertaken prior to accession to the European Union (EU). The present report had taken full account of the Committee's concluding observations on the fourth report (CCPR/C/79/Add.110).

3. The fifth report placed emphasis on the issue of gender mainstreaming, describing the participation of women in political, economic and social life, and the role of the Government Plenipotentiary for the Equal Status of Women and Men, appointed in 2001. The Plenipotentiary's remit, which had originally been limited to issues relating to gender equality, had been extended in 2002 to include the prevention of discrimination on grounds of race, ethnic origin, religion, belief, age or sexual orientation. The Plenipotentiary had prepared and begun to implement the National Action Plan for Women and the National Programme on Preventing Racial Discrimination, Xenophobia and Related Intolerance. In December 2003, a permanent team of experts to monitor the National Action Plan for Women, composed of representatives of the Government and NGOs, had been established within the Office of the Government Plenipotentiary, and was charged, inter alia, with preparing annual monitoring reports, the first of which was due at the end of 2004. Implementation of the principle of gender mainstreaming was to be further promoted by the appointment of plenipotentiaries for the equal status of women and men in every voivodeship (province) in the country.

4. A number of legislative changes had been made to prevent discrimination in the workplace. The Labour Code had been supplemented with a chapter on the equal treatment of women and men in 2002, and further provisions relating to discrimination in employment had been added in early 2004. The notion of discrimination on grounds of sex had been extended to cover sexual harassment, and the employer was obliged to create a working environment free of all forms of discrimination. The Code listed actions that constituted mobbing, and ways of compensating employees whose health had been affected by harassment or who had terminated their employment as a result. The upper limit on compensation claimable by victims of an employer's violation of the principle of equal treatment had been removed in January 2004.

5. In response to reports of the removal of sex education from school curricula, he said that the Ministry of National Education and Sport provided sex education in all schools, commencing in grade five of primary school. The course covered such issues as contraception and sexual violence.

6. His Government shared the Committee's concern about the length of judicial proceedings. One recent development in that field had been the entry into force in September 2004 of a law which defined the notion of unreasonable duration of judicial proceedings and regulated the procedure for considering complaints from parties whose right to have a case adjudicated within a reasonable time had been violated.

7. Despite efforts by members of the judiciary, organs of local government and NGOs to combat domestic violence, a significant number of cases continued to be recorded. However, the growing number of cases reported by the police was not linked to a radical increase in the number of such crimes, but rather to greater social awareness, which was a result of nationwide campaigns on the issue. There were currently 134 fully operational hostels for victims of domestic violence and 84 emergency centres managed and financed by district authorities, which had offered assistance to over 22,000 people in 2003. Police supervision of perpetrators of domestic violence, with the use of restraining orders, was increasingly common and had proved effective, as it ensured that proceedings advanced correctly and that victims were protected.

8. His Government had taken a number of measures to eradicate abuse of junior soldiers in the army. The implementation of a plan of action adopted by the Ministry of National Defence, the establishment of a military hotline and the reduction of mandatory military service to 12 months had all helped to bring about a considerable improvement in the situation.

9. The Government had also adopted a number of measures with a view to providing efficient independent monitoring of the rights of persons deprived of their liberty: prisoners could now file complaints to both domestic and foreign bodies, and prisons were visited by judges, and members of the Ombudsman's Office and other organizations. His delegation shared the Committee's concern about the overcrowding of prisons and pre-trial detention centres, particularly as the number of prisoners had risen from 53,000 in 1999 to the current figure of over 79,000. The adoption in April 2004 of a "road map" for the creation of 10,000 extra prison places in the period 2005-2009 had been a major step towards resolution of the problem, and a programme had been established for its implementation.

10. As to the dissemination of the report and the Committee's concluding observations, he said that they were available in Polish and English on the web page of the Ministry of Justice. That Ministry also published a book containing the report, the summary records of the Committee's relevant meetings, the concluding observations and basic information on the Committee's work; it was distributed to the libraries of State institutions and universities, and was available to any person on request.

11. In addition to the steps taken to achieve full compliance with international human rights standards as mentioned in the report, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had come into force in March 2004, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment had been signed in April. In addition, the ratification procedure had recently been completed in respect of the Protocols to the Convention on the Rights of the Child relating to the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.

12. Amendments to the Civil Code, aimed at establishing more effective methods of seeking compensation for damage incurred due to actions incompatible with the law or violations committed in the exercise of public duties, had entered into force in September 2004. The amendments made it easier to seek compensation for damage, as it was no longer necessary to prove guilt on the part of an individual official.

13. A bill on national and ethnic minorities and regional languages had been approved in August 2004 and was expected to be adopted by the end of the year.

14. Mr. SOBCZAK (Poland), responding to question 1 of the list of issues (CCPR/C/82/L/POL), said that to date the Committee had communicated to the Polish Government seven individual complaints arising from the First Optional Protocol. The procedure for implementation of the Views adopted by the Committee under the Optional Protocol was based on the general norms relating to the implementation of international instruments, according to which the duties arising from international agreements were within the competence of the Minister for Foreign Affairs.

15. Ms. DABROWIECKA (Poland) said in response to question 2 that in the period under review over 435,000 cases had been filed with the Ombudsman. Approximately 30 per cent of the cases had not fallen within his remit, and of the remaining 70 per cent, a third had been deemed inadmissible and half had been positively adjudicated. The Ombudsman worked on his own initiative, using a variety of legal measures, and visited various institutions. The main problems encountered related to poverty generated by high unemployment, and in response the Ombudsman had designed a number of programmes aimed at reducing unemployment and provided legal advice and counselling to unemployed persons.

16. According to the Ombudsman, one of the most pressing social concerns was the state of the health-care system, which had prompted him to create a new unit for the rights of patients. The Ombudsman had also taken steps to deal with the unreasonable duration of judicial proceedings, and a new law on the question had been adopted. In addition, the Ombudsman oversaw measures to reduce overcrowding in pre-trial detention facilities, and considered the recent increase in the number of prison sentences to be a problem. Deprivation of liberty was expensive, and efforts were being made to introduce the use of more cost-effective and efficient types of non-custodial punishment. A small number of racial and ethnic discrimination cases had been submitted to the Ombudsman, and a new law on national and ethnic minorities was currently being discussed in Parliament.

17. The Government had recently authorized the establishment of three local branches of the Ombudsman's Office. The Ombudsman worked with several entities at the international level, including with the European office of UNDP, through which programmes had been established for training staff of the Ombudsman's Office.

18. Mr. SOBCZAK (Poland), turning to the question of counter-terrorism, said his Government believed that anti-terrorism measures should not conflict with the principles of human rights protection. Poland had taken a variety of legal initiatives, particularly against the financing of terrorism, a law on which was currently before Parliament. New legislation had been enacted which contained a definition of the term "terrorist activity" and established more severe penalties for perpetrators of crimes relating to terrorism. All new legislation was

consistent with the provisions of the Covenant. According to the Polish Constitution, international agreements to which his country was a party were a source of law and, in case of doubt, took precedence over domestic legislation. The Constitution did not permit the adoption of domestic laws incompatible with the Covenant.

19. Ms. KAPILEWICZ (Poland), referring to question 4, said that additional statistical information had been submitted to the Committee in written form. The second phase of the National Action Plan for Women had been adopted by her Government in 2003, with the aim of further promoting women's rights and ensuring the implementation of the recommendations of the twenty-third special session of the United Nations General Assembly and the Beijing +5 initiative. The Plan targeted central and local administrative authorities, and aimed to promote dialogue between scientific research institutes, NGOs, local government offices, trade unions and the mass media. Monitoring units would be established to assess the implementation of gender-mainstreaming principles. The second phase of the Plan contained nine chapters which aimed to deal with issues such as women's rights as human rights, the economic activity of women, violence against women, health and education. The Plan aimed to ensure sexual equality in the appointment of staff to senior positions in the Government and the judiciary. Women were currently being trained for government positions, and were being encouraged to stand for election to political office and to international bodies. Agreement had been reached on the establishment of an office for the equal treatment of women and men in every province. Over recent years there had been an increase in the representation of women in both the lower and upper chambers of Parliament. A bill on the equal status of women and men, which contained a definition of the term "sexual harassment", was currently under discussion in Parliament.

20. The National Action Plan for Women included measures to eliminate discrimination against women in the workplace, and to promote the principle of equal pay for work of equal value. The Plan contained educational programmes for countering gender-based stereotypes. Women's salari were currently approximately 20 per cent lower than those of men, and women tended to predominate in the area of social welfare; they worked in education, health care and social services, all of which were underpaid. Her Government was taking measures to increase public awareness of the situation of women, and to organize programmes to encourage the employment of women, using EU structural funds. The Government actively supported women's entrepreneurial activities. The results of the second phase of the Plan would be monitored over the coming weeks.

21. Ms. FARACIK (Poland), responding to question 6, said that in 2002 the principle of non-discrimination had been incorporated in the Labour Code, thus bringing domestic regulations into line with EU standards. More detailed amendments had been made to the Code in 2004. In accordance with the Code, any form of discrimination, particularly on grounds of sex, race, ethnicity, gender, sexual orientation, religious affiliation or membership of a trade union was prohibited, as was discrimination based on whether a person was employed full-time or part-time, or whether he or she had a permanent or a temporary contract. All workers were ensured equal treatment with regard to the signing or termination of a contract of employment, promotion and access to training. The Code contained definitions of the principles of direct and indirect discrimination, which included encouragement by employers to work for less remuneration than was acceptable. The amendments guaranteed observance of

non-discrimination clauses in employment. In the event of discrimination, victims were entitled to file a case for compensation. Complainants who had filed such cases could not be dismissed during the investigation.

22. Compensation could be claimed by victims of mobbing. Statistics relating to the application of the Labour Code were being published separately for women and men, and would be submitted to the Committee in due course. The Ombudsman received approximately 25 cases a year relating to sexual, ethnic or religious discrimination. Audits carried out by the State labour inspectorate had found that discrimination manifested itself in the form of unequal pay for work of equal value, although men and women were both subject to that problem, and male and female staff alike were often not paid on time. Many of the discrimination cases filed had been on grounds of mobbing.

23. Ms. SZEMPLIŃSKA said that the amended Labour Code specified the personal information that could be requested by an employer from an applicant for employment. All the information was gender-neutral. Further information could be requested by the employer, such as the date of birth of the employee's children, only for the purpose of any special benefits available to the employee. The rights of employees taking care of children differed according to the age of the child. Employees with children under 4 years of age were not permitted to work at night or to work more than eight hours a day. Workers caring for children between the ages of 4 and 14 were entitled to parental leave for childcare purposes. Parents of children up to the age of 18 could take paid leave if their child's illness was certified by a medical certificate or if he or she needed permanent care. Parental leave rights were guaranteed equally for biological parents and foster parents. The new legislation granted doctors' employers the right to request specific personal information that could not be requested in the case of other professions.

24. Ms. GUZELF (Poland) said that in the past women had been considered to have been privileged by the pension system. Gender had not influenced the amount of pensions since individuals had made personal contributions to their pension schemes. The contributions of women who had taken maternity leave had been made by the State. In 1998, the pension system had been reformed: those principles had been abandoned and the system of pre-defined allowances had been replaced by a system of premiums. Contributions were calculated on the basis of the age up to which a person could work, and his or her life expectancy. Women would tend to receive a lower pension than men since their age of retirement was five years below the age of retirement for men and their life expectancy was longer. The Government understood the need to change the system of calculation, and an amendment to the Pension and Disability Insurance Act had been submitted to Parliament in April 2004, with the aim of obtaining equal pensions for men and women. The change in the system would take place gradually over the period 2014-2024.

25. Mr. TOKARSKI (Poland), turning to question 8 on domestic violence, said that all physical abuse of family members was punishable by law. The police could initiate an investigation only if they had been notified by a victim of domestic violence. Between 1995 and 2003, there had been a considerable increase in the number of domestic violence trials under article 207 of the Criminal Code. That did not mean that there had been an increase in the number of cases of domestic violence, but rather that the efficiency of law enforcement measures had been improved.

26. There had been a shift since 1995 to a more rigorous approach in handling perpetrators of domestic violence. For instance, restraining orders could be issued to protect victims and there had been an increase of 50 per cent in the number of abusers temporarily arrested for such offences. A document containing guidelines for the police in handling offenders and protecting evidence, describing the duties of prosecutors and judges, and detailing enforcement measures had been published.

27. In 1998, police superintendents had introduced a procedure to address the problem of domestic violence based on the so-called "Blue Charter", which had been amended and made more effective in 2002. Police officers who were issued with a Blue Charter kept records of assistance to victims and monitored developments in families at risk, referring members, if necessary, to a victims assistance institution. Measures were also taken to restrain abusers. The information thus recorded was entered in a nationwide database. Since 2000 about 18,000 police officers had been given basic training in procedures for dealing with domestic violence. In every province, a police officer was appointed to coordinate the Blue Charter procedure. They attended special training courses and transmitted the skills acquired to other officers. The coordinators also organized external training programmes for psychologists, representatives of State institutions and NGOs.

28. Mr. SKOWRONSKI (Poland) said that the Criminal Code and Code of Criminal Procedure provided for preventive measures in support of victims of domestic violence, such as police surveillance and restraining orders, during both investigations and judicial proceedings. If an abuser failed to observe an injunction or if, during criminal proceedings, there was a high probability of an accused person reoffending, a more severe measure such as temporary arrest might be ordered.

29. Parliament was considering a presidential proposal for amendments to the Criminal Code and the Code of Criminal Procedure. The Extraordinary Commission set up to consider the revision of the Criminal Code had decided to amend article 72 pertaining to restraining orders. Abusers could be prohibited, for example, from contacting victims. In 2001, the National Prosecutor's Office had issued guidelines and recommendations on domestic violence that required all prosecutors to be diligent in seeking to prevent and investigate such offences.

30. Ms. FARACIK (Poland) said that the Ministry of Justice had established procedures for assisting victims of rape and domestic violence and child victims. The provisions regarding children had already been implemented nationwide. The judiciary and the Prosecutor's Office in Warsaw had launched a pilot project in 2004 in support of certain categories of victims which, if successful, would be extended to the whole country. There were also plans to introduce a pilot remedial justice project in 2005, drawing on the experience of other countries such as New Zealand and the United Kingdom. Since 2003, the Ministry of Justice had been operating a centrally coordinated system for the protection of victims of crime with extensive cooperation from public and private entities. An interdisciplinary team with members representing a wide range of institutions and NGOs was also working on a draft government victim support programme.

31. A recently drafted bill on the compensation of victims of crime defined the prerequisites for compensation awards from the State budget. Only victims of the most egregious acts were eligible owing to the current difficult economic circumstances. No compensation was awarded if

a victim had access to assistance from another source. Compensation cases would be decided by district courts. Inter-ministerial negotiations were under way on the bill which sought to improve the situation of women in Poland. It provided for amendments to the Criminal Code, including the expulsion of abusers from a place of residence shared with victims. Professional groups such as teachers, doctors, nurses or social workers who obtained knowledge of such abuse would be required to notify the Prosecutor's Office or the police immediately. The bill provided for the adoption of a national programme for the prevention and countering of violence in the family and community.

32. A bill on social assistance for victims of domestic violence under the Blue Charter regime was also being considered.

33. Mr. RZEMIENIEWSKI (Poland), referring to question 9, said that the provisions of the Criminal Code governing human trafficking were very detailed and the offence of trafficking was punishable by at least three years' imprisonment. The problem largely concerned trafficking in women for prostitution. Poland had initially been a country of origin for such trafficking but had recently also become a target and transit country. Details of only 24 cases were available for 2003 but the authorities were aware that the phenomenon was far more widespread and that the real figure might be many times greater. The Government was therefore taking firm action against such practices and all other forms of slavery. On 16 September 2003, acting on an NGO initiative, it had adopted a National Programme for the Elimination and Prevention of Trafficking in Human Beings. The police had been involved in a large number of initiatives under the Programme and had cooperated closely with the media in mounting large-scale information campaigns. They were also cooperating with police forces in other countries, especially through exchanges of information and experience. In 2001, Polish border guards had become involved in addressing the phenomenon, cooperating closely with NGOs. Under Ordinance No. 23 of 5 March 2004, an inter-ministerial team, headed by the Vice-Minister for Internal Affairs and Administration, had been set up to combat and prevent human trafficking. It monitored implementation of the National Programme and proposed further activities.

34. The Programme contained procedures for the handling of victims and witnesses, and prescribed the roles of various institutions, the police and border guards. A model prepared with financial support from the United Nations was being tested in a province in western Poland. The Bureau on Organized Crime within the National Prosecutor's Office had prepared a methodology for prosecutors involved in trafficking proceedings. Teams had been set up in all provincial police headquarters to combat and prevent trafficking, and a mechanism for the coordination of police activities had been established at the main police headquarters. Training courses for the police and border guards were held with the assistance of the NGO "La Strada". Work was under way on expanding the scope of basic training for the police on the crime of human trafficking. Moreover, the Government planned to ratify the Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

35. Victims could be granted a visa under the Aliens Act, which was currently being amended to facilitate the process of obtaining temporary residence status for victims during the investigation of trafficking offences.

36. Mr. SOBCZAK (Poland) said, in reply to question 10, that under Protocol No. 6 to the European Convention on Human Rights, Poland was obliged, with effect from 1 November 2004, to abolish the death penalty. The Ministry of the Interior had furthermore initiated the procedure for ratification of the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty and for ratification of Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances.

37. Mr. SOBOLEWSKI (Poland) said that the Act of 7 January 1993 on Family Planning, Protection of the Human Foetus and Conditions for the Admissibility of Abortion criminalized acts against the human foetus. Abortion could be performed by a doctor only if the life or health of a pregnant woman was in danger, if prenatal tests or other medical examinations indicated serious and irreversible impairment of the foetus, or if there was a clear suspicion that the pregnancy had result from a prohibited act. Social motives could not be adduced as grounds for abortion. The strict regulations reflected religious and political convictions and the strong influence of conservative parties associated with the anti-abortion position of the Catholic Church. Doctors could also refuse to perform abortions for reasons of conscience. As many Poles viewed the Act as unduly restrictive, a number of legislative initiatives had been taken; one had resulted in the adoption of a 1996 amendment, which had come into force in January 1997. However, the amendment had been annulled one year later by the Constitutional Court. The present Government planned to assess the implementation of the Act and its consequences. In April 2004, a bill on "informed parenthood" had been tabled in Parliament. If adopted, it would help to improve women's reproductive health and prevent illegal abortions, the number of which was difficult to estimate.

38. Ms. WANTOLA-SZUMERA (Poland) said that an Act of 1993 had made sex education for family life compulsory in all schools, starting with grade 5 of primary school. The decision on whether pupils should participate was left to parents because the Ministry of National Education and Sport supported parents' constitutional right to bring up their children in accordance with their beliefs. Schools were required to present students with reliable and objective information that was free of all forms of prejudice. In 2002, the basic curriculum had been extended by the Ministry to cover contraception and to provide counselling for young people. Schools were required to discourage early sexual initiation and premature pregnancy, and to take steps to counter domestic violence, including abuse of children and child pornography. Teachers encouraged children to behave responsibly and to seek help where necessary, and informed parents and children of the possibility of obtaining psychological assistance. Children were also given information about HIV/AIDS.

39. Mr. YALDEN expressed appreciation for the State party's comprehensive report and the detailed statistics provided. The fact that shortcomings had been recognized was commendable. He noted with interest that Poland was one of the rare States parties that gave information on measures in aid of persons with disabilities.

40. In its concluding observations on Poland's previous periodic report the Committee had expressed concern about the absence of any legal mechanism allowing the State party to deal with its Views under the Optional Protocol on a systematic basis. According to the delegation, the Ministry of Foreign Affairs dealt with the matter in cooperation with other ministries where necessary. Paragraph 27 of the report mentioned that a national human rights institution might be assigned responsibility for coordinating the implementation of treaty body recommendations.

He asked what action had been taken on that plan. While he had no reason to suspect that the State party had not responded properly to the Committee's Views, he was interested in hearing whether any difficulties had been encountered in putting them into effect.

41. The Ombudsman had handled an impressive number of cases but it was unclear to what extent they related to human rights issues. He wondered whether the largest category of cases, concerning "social security", covered issues such as discrimination and, if so, what results had been achieved. What percentage of cases had been resolved in a manner deemed satisfactory by the complainant and the government agency involved? Some NGOs had suggested to the Committee that the Ombudsman was not as effective as might be desired.

42. The Commission for Civil Rights Protection was described as a national institution that complied with the Paris Principles and was recognized by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights. He wished to know more about the Commission and its relationship with the Ombudsman in dealing with human rights complaints.

43. Sir Nigel RODLEY, referring to question 3 of the list of issues on counter-terrorism measures, said he was reassured to hear that, since the Covenant enjoyed constitutional status in Poland, it would not be possible for the State party to take measures that were incompatible with its obligations under the Covenant. He drew attention to General Comment No. 29 on article 4 of the Covenant, which set forth the Committee's understanding of what was permissible in a state of emergency.

44. Noting that there was a new law in Poland in which terrorism was defined, he asked for details of the definition and enquired about the stricter penalties for terrorist-related offences provided for in the law.

45. In its report to the United Nations Counter-Terrorism Committee, the State party, when listing exceptions to its powers to extradite, had not referred to the principle of non-refoulement and, in particular, the prohibition on returning a person to a place where he or she might be at risk of torture. He wished to be reassured that the State party would not take such measures. For example, he had been informed that an individual of Iraqi origin who had expressed approval of the attack on the World Trade Center in New York in 2001, had been removed to Jordan. What measures had the State party taken to ensure that that person would not be subjected to treatment incompatible with articles 6 or 7 of the Covenant?

46. Mr. BHAGWATI asked what measures had been implemented since the year 2000 to give effect to the National Action Plan for Women. He requested more information on the Office of the Government Plenipotentiary for the Equal Status of Women and Men, and the Consultative and Programme Council it had set up. He wished to know what role was played by those institutions and what steps they had taken to improve women's rights. It was unclear whether the draft legislation on the equal status of women and men had been enacted. If not, when would that happen? It would be useful to know what recommendations the Parliamentary Group of Women had made, and what measures the Government had taken in response.

47. He wondered what steps had been taken to increase women's participation at the highest levels of management. Further details should be provided on the remedies available to women

who suffered sexual discrimination at work, and the necessary steps for seeking compensation. It would be interesting to know whether any labour courts had been set up to eliminate sexual discrimination in the workplace. He asked whether the principle of equal pay for work of equal value was observed, and how it was enforced in the private sector. Had Poland ratified the ILO Conventions on forced labour (Nos. 29 and 105), on freedom of association and the right to organize (Nos. 87 and 98) and on discrimination in respect of employment and occupation (No. 111)? He would like to know what proportion of women constituted the current 20 per cent unemployment figure.

48. Mr. SHEARER asked whether the measures outlined by the delegation to protect victims of domestic violence under the Blue Charter system were police or judicial orders. If those orders were disobeyed, was the perpetrator automatically arrested and imprisoned? It would be interesting to hear the delegation's response to NGO reports that, under that system, temporary arrests were seldom used, and the victims of domestic violence often withdrew their complaints because of intimidating procedures and lack of protection. Additional information should be provided on any programmes to extend the provision of shelters to the whole country.

49. He asked what stage had been reached in plans to provide victims of trafficking in human beings with a permanent residence permit and what progress had been made towards ratifying the Second Optional Protocol to the Covenant and Protocol No. 6 to the European Convention on Human Rights concerning abolition of the death penalty?

50. Reference was made in paragraph 108 of the periodic report to an amendment to the Family Planning Act, and the delegation had mentioned a law on planned parenthood. It was unclear whether those were references to the same piece of legislation. If not, the relationship between them should be clarified. The delegation should also indicate the current status of that legislation and the content of the proposed amendments.

51. It would be interesting to learn what proportion of children attended courses on sex education in school, and what alternative was available to those who were withdrawn from those courses by their parents.

52. Ms. CHANET asked whether the current legislation on discrimination on grounds of sexual orientation, disability or gender applied exclusively to labour relations. If not, could it be invoked in all circumstances? It was unclear which institutions were responsible for implementing that legislation and to which institution a victim of discrimination should address his complaint. How many men had taken advantage of the legislation enabling them to take paternity leave?

53. She failed to understand why the State party had been unable to provide statistics on the number of deaths resulting from clandestine abortions. The delegation should indicate whether the NGO estimate of between 80,000 and 200,000 illegal abortions was likely to be accurate. Given the risks involved, and the extortionate prices currently charged for the morning-after pill, had the Government considered reviewing the relevant legislation?

54. She urged the State party to begin preparations for ratification of the Optional Protocol to the Covenant, including establishing remedies such as review of court decisions, which would require amendments to current legislation.

55. Mr. KÄLIN said that it would be interesting to know the Government's opinion on application of the Covenant outside Polish territory. Given that Polish troops currently serving in Iraq were not engaged in armed conflict, international humanitarian law on armed conflict was not applicable. It was imperative that the Covenant should be applied extraterritorially, as detailed in the Committee's General Comment No. 31.

56. He wondered to what extent recent public and parliamentary debate on abolition of the death penalty might endanger ratification of the Second Optional Protocol to the Covenant.

57. Mr. ANDO asked for more details on the abortion bill that had been brought before Parliament on 2 April 2004 and, in particular, on how it would reduce the number of clandestine abortions.

58. Ms. WEDGWOOD asked why the Polish authorities had not undertaken an HIV preventive screening programme and why it limited neonatal screening. Given that transmission of HIV was easily remediable in vitro and in newborn babies, that constituted a right to life issue that should be addressed by the Government.

59. She wondered why women did not have the right to defer their time of retirement, and why the State party was taking so long to introduce legislation providing for an equal age of retirement for women and men.

60. It would be interesting to learn the Government's reaction to NGO concerns that the Ombudsman and the courts had been reluctant to address the question of discrimination on grounds of sexual orientation.

61. It should also be made clear whether professional soldiers who owed money to the Government for their education were not allowed to leave the army until that debt had been paid. If that was the case, that could constitute denial of the right to conscientious objection. She wondered whether the State party had considered another way of addressing that question that was more consistent with articles 9 and 11 of the Covenant.

The meeting rose at 6 p.m.